

General Order

NEW HAVEN DEPARTMENT OF POLICE SERVICE

GENERAL ORDER 06-2

RE: DISCLOSURE OF STATUS INFORMATION: POLICIES AND PROCEDURES

I. PURPOSE

The purpose of this General Order is to establish New Haven Police Department policy and procedures concerning citizenship status, enforcement of federal immigration laws and the disclosure of confidential information.

II. IMMIGRATION STATUS

A. General

The City of New Haven is home to a diverse population. Many of its residents have emigrated here from other countries, and some are not citizens of the United States. The City and the Police Department are committed to promoting the safety and providing proactive community policing services to *all* who live here. Residents should know that they are encouraged to seek and obtain police assistance and protection regardless of their immigration status.

The department relies upon the cooperation of all persons, both documented citizens and those without documentation status, to achieve our goals of protecting life and property, preventing crime and resolving problems. Assistance from immigrant populations is especially important when an immigrant, whether documented or not, is the victim of or witness to a crime. These persons must feel comfortable in coming forward with information and in filing reports. Their cooperation is needed to prevent and solve crimes and maintain public order, safety and security in the entire community. One of our most important goals is to enhance our relationship with the immigrant community, as well as to establish new and ongoing partnerships consistent with our community policing philosophy.

B. Policy

The limited resources of the city; the complexity of immigration laws; limitations on authorities; risk of civil liability for immigration and enforcement activities; and the clear need to foster the trust and cooperation from the public, including members of immigrant communities are all factors that were taken into account when formulating this policy. A community member's potential status as an undocumented immigrant has no relation to the mission or goals of the New Haven Police Department.

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C. Procedures

1. Police officers shall not inquire about a person's immigration status unless investigating criminal activity.
2. It shall be the policy of the department not to inquire about the immigration status of crime victims, witnesses, or others who call or approach the police seeking assistance.
3. Officers and other members of the New Haven Police Department shall continue to cooperate with federal authorities in investigating and apprehending illegal immigrants suspected of criminal activity.
4. No person shall be detained solely on the belief that he or she is not present legally in the United States, or that he or she has committed a civil immigration violation. There is no general obligation for a police officer to contact U.S. Immigration and Customs Enforcement (ICE) regarding any person, unless that person is arrested on a criminal charge.
5. Officers shall not make arrests based on administrative warrants for arrest or removal entered by ICE into the FBI's National Crime Information Center (NCIC) database, including administrative immigration warrants for persons with outstanding removal, deportation or exclusion orders. Enforcement of the civil provisions of U.S. immigration law is the responsibility of federal immigration officials.
6. The New Haven Police Department shall conduct all necessary training and education to ensure that its officers are knowledgeable about all provisions contained in this General Order. Referrals to medical or social service agencies will be made to undocumented immigrants in the same manner they are made to all other community members.

Nothing in this general order shall be construed to prohibit any officer or employee from cooperating with federal immigration authorities as required by law.

III. CONFIDENTIAL INFORMATION

A. Definition

As used herein, "confidential information" means any information obtained and maintained by the department relating to an individual's sexual orientation, status as a victim of domestic violence, status as a victim of sexual assault, status as a crime witness, recipient of public assistance, or immigration status, and shall include all information contained in any person's income tax or other financial records, including but not limited to Social Security numbers.

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B. Disclosure

Obtaining pertinent information may in some cases be difficult or impossible if some expectation of confidentiality is not preserved, and preserving confidentiality in turn requires that the department regulate the use of such information by its employees.

In furtherance of this policy, confidential information relating to immigration status or other personal or private attributes should be disclosed only as provided herein. No department officer or employee shall disclose confidential information unless such disclosure:

- a. Has been authorized in writing by the individual to whom the information pertains, or by the parent or guardian of same if the individual is a minor or not legally competent; or
- b. Is required by law; or,
- c. Is relevant to another City officer or employee and is necessary to fulfill the purpose or achieve the mission of any City agency; or,
- d. Is necessary to apprehend an individual suspected of engaging in criminal activity other than mere status as an undocumented immigrant; or
- e. Is necessary in furtherance of a criminal investigation of potential terrorism.

Any city officer or employee with a question relating to the disclosure of confidential information under this general order shall consult with his or her supervisor.

PER ORDER OF:

FRANCISCO ORTIZ, JR.
CHIEF OF POLICE

DISTRIBUTION: All Personnel

DISTRIBUTED: 12/12/2006

EFFECTIVE: 12/21/2006 (via paycheck)

References:

- M.C.C. Immigration Committee Recommendations For Enforcement of Immigration Laws by Local Police Agencies (adopted by Major Cities Chiefs, June 2006)
- Issue in Brief: Immigration Law Enforcement by State and Local Police (National Immigration Forum, January 2006)
- The IACP Policing Document on the Role of State, Local and Tribal Police in Enforcing Immigration Laws (International Association of Chiefs of Police)

